



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/409,566      | 09/30/1999  | JOHN CHRISTOPHER BARROTT | AUR-014-PA          | 5556             |

7590 11/23/2004

KILLWORTH GOTTMAN HAGAN SCHAEFF LLP  
ONE DAYTON CENTRE, SUITE 500  
ONE SOUTH MAIN STREET  
DAYTON, OH 454022023

|          |
|----------|
| EXAMINER |
|----------|

RUDY, ANDREW J

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3627

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/409,566

Applicant(s)

BARROTT ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 24-68 are pending. Applicant cancelled claims 1-23. Applicant's August 23, 2004 Amendment and REMARKS have been received.

#### **Claim Rejections - 35 USC § 103**

2. Claims 24-63 and 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Users Guide Data Digger Version 6 publication (hereafter "Digger"), cited by Applicant's, in view of Slotznick, US 5,983,200.

Applicant is directed towards the body of the April 20, 2004 Final Rejection, paragraph 3, for commentary regarding Digger in view of Slotznick.

Official Notice is taken that it has been common knowledge within the funeral industry to present to the consumer a plurality of choices and customize information of further choices in planning a funeral ceremony.

Applicant's August 23, 2004 Amendment does not obviate the rejection based upon Digger in view of Slotznick, and further in view of Official Notice. To have further provided the consumer a plurality of choices and customize information of further choices in planning a funeral ceremony for Digger in view of Slotznick would have been obvious to one of ordinary skill in the art. Applicant argues that the Amendment obviates the Digger in view of Slotznick rejection. The Examiner does not agree with such an analysis, in view of the further claim analysis.

Art Unit: 3627

3. Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Digger, in view of Slotznick, US 5,983,200, as cited above, and further in view of Tavor et al., US 6,070,149. Applicant is directed towards the body of the April 20, 2004 Final Rejection, paragraph 4, for commentary regarding Digger, in view of Slotznick, and further in view of Tavor. To have incorporated the teachings of Digger, in view of Slotznick, and further in view of Tavor along with the Official Notice would have been obvious to one of ordinary skill in the art. Applicant's August 23, 2004 Amendment does not obviate the rejection based upon Digger, in view of Slotznick, and further in view of Tavor, as cited in the previous paragraph.

#### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

